



Paper No. 7

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In re Application of
Keeth, et al.
Application No. 09/801,628
Filed: March 8, 2001
Attorney Docket No. DB000575-010
For: 256 MEG DYNAMIC RANDOM
ACCESS MEMORY

OFFICE OF PETITIONS

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: DECISION GRANTING
: PETITION
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This is a decision on the petition entitled, "PETITION IN RESPONSE TO NOTICE TO FILE CORRECTED APPLICATION PAPERS", filed June 6, 2001 (certificate of mailing date June 4, 2001), requesting, in effect, partial withdrawal of the Notice to File Missing Corrected Application Papers (Notice), mailed April 30, 2001, insofar as it alleges that Figures 40A and 81A described in the specification were omitted. The petition will be treated under 37 CFR 1.53(e).

The Office apologizes for the delay in addressing the instant petition and regrets any inconvenience occasioned by the delay.

The application was filed on March 8, 2001. On April 30, 2001, the Office of Initial Patent Examination mailed a Notice informing petitioners, *inter alia*, that Figures 40A and 81A described in the specification appeared to have been omitted.

In response to the Notice, petitioners timely filed the present petition. Petitioners request that Figures 40A and 81A be accorded a filing date of March 8, 2001 on the basis that 367 sheets of drawing figures, including Figures 40A and 81A, were received in the Patent and Trademark Office (PTO) on March 8, 2001. In support, the petition is accompanied by a copy of applicants' itemized postcard receipt showing an Office of Initial Patent Examination generated bar code citing March 8, 2001 as the date of receipt. The postcard lists, *inter alia*, that the filing included 367 sheets of drawings.

The return postcard constitutes *prima facie* evidence that 367 sheets of drawing figures were filed on March 8, 2001. MPEP 503. The undersigned counted the sheets of drawings filed on March 8, 2001 and found only 365. The two sheets missing corresponded to pages 157 and 296, which would have contained the allegedly omitted Figures 40A and 81A.

Accordingly, the request is granted.

Pursuant to petitioners' authorization, the \$130.00 petition fee will be credited to deposit account no. 20-0888.

The application is being returned to Office of Initial Patent Examination for further processing, with a filing date of March 8, 2001, using the copy of Figures 40A and 81A and the abstract submitted with the instant petition. Office records will be corrected to show that 367 sheets of drawings were present on filing.

Any inquiries pertaining to this matter may be directed to the undersigned at (703) 308-6712.

A handwritten signature in cursive script, appearing to read "E. Shirene Willis".

E. Shirene Willis
Senior Petitions Attorney
Office of Petitions